

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                                |   |                           |
|--------------------------------|---|---------------------------|
| GRETCHEN J. PEACE and          | : | 1:13-CV-00882             |
| JOHN F. (JEF) CURRAN,          | : |                           |
|                                | : |                           |
| Plaintiffs                     | : |                           |
|                                | : | (Judge Kane)              |
| v.                             | : |                           |
|                                | : | (Magistrate Judge Schwab) |
| SAUL EWING, LLP,               | : |                           |
| MARSHALL B. PAUL, ESQUIRE,     | : |                           |
| and KURT L. EHRESMAN, ESQUIRE, | : |                           |
|                                | : |                           |
| Defendants                     | : |                           |

**REPORT AND RECOMMENDATION**

In April of 2013, Gretchen J. Peace began this action by filing a complaint. In August, Peace and John F. (Jef) Curran filed an amended complaint. Then, on October 31, 2013, Peace and Curran filed a motion to dismiss this case without prejudice. They state that they have not served the defendants with the summons and complaint.

**IT IS RECOMMENDED** that the plaintiffs' motion (doc. 5) for voluntary dismissal be granted and that the case be dismissed without prejudice.

The Parties are further placed on notice that pursuant to Local Rule 72.3:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in

28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Submitted this 4<sup>th</sup> day of November, 2013.

**S/Susan E. Schwab**

Susan E. Schwab

United States Magistrate Judge